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C O N F I D E N T I A L SECTION 01 OF 04 HANOI 002630

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FOR DRL ASSISTANT SECRETARY LOWENKRON FROM AMBASSADOR MARINE

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TAGS: PREL PGOV PHUM KIRF VM

SUBJECT: SCENESETTER FOR DRL A/S LOWENKRON'S VISIT TO VIETNAM

REF: A. HCMC 1090

- 1B. HANOI 2624
- 1C. HCMC 1145
- 1D. HCMC 1144
- 1E. HANOI 2617
- 1F. 05 HANOI 3043
- 1G. HCMC 1122
- 1H. HANOI 2305

Classified By: Ambassador Michael W. Marine per 1.4 (b/d)

11. (C) Embassy Hanoi looks forward to welcoming you back to Vietnam. Your visit will help us to address a number of key issues in the lead-up to the President's November visit. It will also underscore to the Vietnamese that progress on core American concerns and values must keep pace with the substantial progress in other areas of the bilateral relationship. Since the February 2006 bilateral Human Rights Dialogue, we have seen progress in a number of the areas we raised: Mission representatives were allowed to visit two prisons in southern Vietnam; several prisoners of concern were released (including our last religious prisoner); a number of churches, congregations and denominations have been legalized; and, signs that Decree 31 (concerning "administrative detention") will be repealed.

12. (C) However, areas of concern remain. For example: two prisoners of concern are still incarcerated, and the GVN has stepped up its detention of activists, including those associated with the 8406 Bloc (a group named for the date, April 8, 2006, in which 118 individuals signed a petition calling for democracy and multiparty elections in Vietnam); the GVN appears to be tightening its controls on the Internet; the relatively progressive draft Law on Associations has for now been shelved; the pace of church registrations in northern Vietnam remains too slow; and, there are continued isolated incidents of local authorities in the Central Highlands harassing ethnic minorities. In your discussions, we should continue to seek realistic targets that both represent real improvements in the situation in Vietnam, but also are achievable given Vietnam's current domestic political realities. We also should think about how we can offer assistance in making changes, rather than just demanding reform.

Prisoners of Concern and Political Activists

13. (C) Our list of prisoners of concern has been reduced to two individuals)- Nguyen Vu Binh and Phan Van Ban. Although the release of Pham Hong Son and other prisoners of concern is a hopeful sign that the GVN will eventually

release these two individuals, we will continue to urge the GVN to set them free forthwith. We have a standing request for the Ambassador to visit Nguyen Vu Binh in prison, and your discussions would be a good opportunity to reiterate this request. We also hope to explore the possibility of Phan Van Ban's being released to join his U.S. citizen son in Illinois.

14. (C) The difficult step of releasing prisoners is a political decision involving leaders at the national level. How former prisoners are treated is largely a local issue. As a result, ending harassment of released activists remains a challenge. Given the Ministry of Public Security's (MPS) seeming obsession with knowing everything about domestic "threats," we doubt this surveillance will cease. That said, we should continue to argue for freed activists, enjoyment of the same civil rights as other Vietnamese citizens, including having access to the Internet and freedom to travel internally and abroad.

15. (C) We are increasingly concerned about police harassment and detentions of political activists, particularly those involved with the 8406 Bloc (Ref A). Clearly the GVN is trying to walk a fine line between doing what it deems necessary to preserve domestic political stability while avoiding sullying its international reputation in the run-up to the APEC Summit. This balancing act has been made tougher by the dissidents' increasing tempo of activities. Your visit will be a good opportunity to press the Vietnamese to allow greater space for political and other discussions. The lively public discussion in advance of the 10th Party Congress did not bring down the system, and the GVN and Party should not fear allowing an incremental expansion of its tolerance for political discussion (and even dissent). Notably, the MFA recently called in Embassy and ConGen HCMC

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officials to protest the Ambassador's recent remarks on RFA related to the 8406 Bloc's activities and his use of the phrase "call for political change" (Refs B and C). You should particularly stress our and the international community's hope that the diminishment of world attention on Vietnam after November does not lead to a further crackdown on political activism.

Internet

16. (C) The Party and the GVN have introduced new legal and technical measures to strengthen controls over the Internet (Ref D). Much of the focus is centered on bolstering firewalls, preventing search engines from displaying unwanted content and centralizing Internet monitoring in Vietnam's State-controlled Internet Service Providers. Your GVN interlocutors will claim that these regulations and firewalls are designed to ensure that children are not exposed to immoral or undesirable content and do not have political aims. However, recent research has shown that, while Internet pornography is easy to access from just about anywhere in Vietnam, sensitive political websites, such as overseas dissident pages, RFA and VOA, are blocked. Although application of these new regulations and technical measures is often inconsistent, the GVN is nonetheless taking action where it can. The arrests and detentions of Vietnamese and Vietnamese-American activists who use the Internet to communicate and make plans indicate that police have the ability to target Vietnam's activist community even as dissidents harness new technologies to get out their message.

17. (C) During your discussions, you should seek further information about the GVN's intentions in the area of Internet control. You may also wish to underline the importance of a free and open exchange of information for Vietnam's continued economic growth and global integration. Seeking to prevent activists and others from using the Internet to exchange ideas will have a chilling effect on the

overall climate of openness needed to accelerate further Vietnam's socio-economic development. Once again, as the discussions in the run-up to the 10th Party Congress showed, the public has proven it can constructively engage in a lively and thought-provoking debate without threatening Vietnam's political stability.

Law on Associations

18. (C) The GVN in late September pulled the 11th version of the Law on Associations from the National Assembly's upcoming agenda (Ref E). While this latest version was not perfect, it was an improvement over previous versions in that it specified (and limited) the authority of central and local line ministries and agencies and provincial People's Committees in dealing with associations. It also reduced the time ministries have to recognize an association's charter and grant permits for operations, while prohibiting central and local authorities from hindering the establishment of associations. It is uncertain what will happen next with this draft law. You may wish to impress upon your interlocutors that we: view the 11th version of the Law on Associations as an improvement over previous versions and are disappointed that the National Assembly will not review it during legislative sessions this year; and, believe that granting non-governmental organizations legal status and rights would play a positive role in Vietnam's socio-economic development efforts.

Criminal Codes and International Standards

19. (C) During February's Dialogue, you suggested the repeal of Decree 31, which allows the GVN to place individuals under administrative probation without trial. We have heard from our MFA contacts that Decree 31 is on the verge of abolition and awaits a final decision from the Prime Minister. We have been trying to arrange a meeting with the Ministry of Justice to discuss this further, but have not yet had any luck. The GVN may be looking to your discussions to raise this matter in fuller detail. The repeal of Decree 31 would be a significant and welcome step forward, but we should remain vigilant to ensure that other means are not used to achieve the same ends.

110. (C) If time allows, another possibly productive subject to raise is the revision of Vietnam's criminal procedures

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code. The National Assembly amended the Criminal Procedures Code in 2003 to allow more rights for defendants, and set a goal of changing courtroom procedures to an "adversarial" model (in which lawyers debate the prosecution's case) from the current "investigative" model (in which the judge leads the questioning). There has been little action so far. In addition to merely encouraging progress, this is one area where we hope to offer some cooperation through the efforts of the American Bar Association and its proposal to begin work in Vietnam (Ref F).

Religious Freedom

111. (C) We have seen solid progress in many areas)- the registration of congregations and denominations throughout Vietnam, the release of all of our religious prisoners of concern and the generally greater official tolerance for religious practice nationwide)- and, during your discussions, you should acknowledge this positive momentum. Areas of concern do remain, however, namely: the slow pace of registrations of churches and congregations in northern Vietnam; isolated incidents of harassment of religious believers by local officials, such as in Ninh Thuan Province (Ref G); and, and ongoing property issues, involving both the Catholic Church and the Protestants. Your religious freedom

points will depend on the state of play of CPC at the time of the meetings, but our basic message will likely remain: we welcome progress to date; urge the GVN to continue to support the expansion of religious freedom and tolerance; look for stepped-up efforts to register Protestant groups, particularly in the north; and, hope that Hanoi ensures that local authorities consistently implement the central government's framework on religious affairs.

Freedom of the Press

¶12. (C) The Vietnamese are proud of their growing and seemingly feisty print and electronic media businesses, but the media remains an area tightly controlled by the Party and GVN. Your interlocutors will likely argue that Vietnam does not want or need unfettered, Western-style press freedoms, which they view as socially disruptive. Yet, some progress has been made, and more is possible. The Mission continues to explore opportunities to develop the independence of Vietnam's print media. You could highlight the importance of an independent press acting as a "check and balance" against corruption and could explore the possibility of assistance to build the capacity of journalists' associations. Limited cooperative programs in these areas could be more politically palatable for the GVN if raised outside the scope of a "human rights dialogue." Nonetheless, it will be useful for you to underscore our view that an independent press is a key element in a well-governed society and a critical factor in protecting citizens' civil and political rights.

Respecting the Rights of Ethnic Minorities

¶13. (C) Vietnamese officials have told us that they are concerned that certain U.S.-based groups are in contact with Dega separatists and are encouraging them to organize protests in the Central Highlands in advance of APEC and the President's visit. Mission Vietnam is concerned about an uptick in incidents in which police officials have abused ethnic minority individuals in the Central Highlands who are in cellular telephone contact with relatives and others in the United States (Ref H). In one recent case, an individual mistakenly suspected of belonging to a separatist group was arrested after communicating by cell phone with relatives in the United States, and died in police custody.

¶14. (C) During your discussions, you may wish to reinforce our message to the GVN to: recognize that increased contact between ethnic minorities in the Central Highlands and their relatives in the United States is natural and should not be construed as a threat to Vietnam's sovereignty and territorial integrity; protect the rights of those detained or arrested; punish those officials who are responsible for violating these rights; and, share information with the USG on ethnic minority separatist activities. On this last issue, we have begun to make some progress. We have had some productive exchanges with local police officials in Gia Lai and Dak Lak, two key Central Highlands provinces.

In Closing

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¶15. (C) We have been unusually fortunate to have two years in a row in which banner events, such as last year's visit by the Prime Minister and this year's November visit by the President, have helped to set a positive tone for bilateral relations. Continued progress in human rights and religious freedom can both help to lay the foundation for a successful visit by the President and ensure that our relationship reflects respect for critical values shared by the United States and many in the international community. Your visit discussions during the visit will be an important step in that direction and we look forward to welcoming you here.

MARINE